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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,581	01/05/2001	Nobumasa Miyake	09812.0593-00000	3808
22852	7590	10/12/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			BRUCKART, BENJAMIN R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/755,581

Applicant(s)

MIYAKE ET AL.

Examiner

Benjamin R. Bruckart

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-17.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: PTO 812


SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: REMARKS

No new amendments are made and only arguments are presented to the pending claims.

The Applicant Argues:

Applicant argues for the addressing of arguments, the official notice as improper, and the prior art rejection as insufficient.

In response, the examiner respectfully submits:

1. The new grounds of rejection was proper because of the amendments and addition of new claims, changing the grounds of rejection from 1-10 to 1-17. The examiner asserts that the rejection is proper and that Li and Short address all the claimed limitations of instant application. The examiner will address all remarks below.

2. The Official Notice taken was proper. The examiner produces prior art showing that "transferring data on a storage medium and locally installing the storage medium" is/was well known in the art by U.S. Patent No. 4,974,149 by Valenti col. 1, lines 20-48 show that is methods of transferring data to be locally installed are established as of 1990 in this application.

To further support the official notice U.S. Patent No 5,602,739 by Haagenstad et al teaches col. 3, lines 1-20 teaches portable data transfer through various devices well known storage mediums.

Further the official notice is taken to show that it "transferring data on a storage medium and a client locally installing the storage medium" is well known and an obvious action in the art. The examiner has already addressed sending configuration data 'from the internet service provider to the client' in the art rejection. Li shows sending configuration data from the server to the client in col. 3, lines 30-38 and Short showing sending configuration data in response to a request in col. 12, lines 31-65. Changing the mode of how this data is sent is an obvious variation of sending electronic data that is already known in the art.

3. The limitation of "wherein a connection setting processing ... updates the connection setup information stored on the locally installed storage medium in accordance with the current connection setup information stored on the server" is taught by both Li and Short. The Short reference (col. 12, lines 31-65) teaches the nomadic router detects current connection setup information through a variety of means by requesting the information, passive listening or extracting data from the packets to build configuration data. Short teaches detecting a difference between current setup information and the setup information locally installed that saves the data (col. 11, lines 43-56 and col. 13, lines 15-42) where Short teaches the router is able to adapt to changes in the network and through Router Information Packets. The current setup information is the new configuration data. The setup information locally installed is the saved or now out dated configuration data stored. The router builds routing tables allows the router to adapt. Col. 14, lines 19-22 illustrate a routing table saves this configuration data. The tables are stored and are updated with connection and configuration setup information in accordance with the current connection setup information stored on the server (Short: col. 9, lines 36-47).